

Appendix A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Civil DIVISION

Kenneth E. Davis

versus

Kroger Company

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CIVIL ACTION NO. 4:13-cv-2221

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section § 2000e-5.

2. The Plaintiff is:

Kenneth E. Davis

Address:

9911 Paddock Park Dr.

Houston, Texas 77065

County of Residence:

Harris

3. The defendant is:

The Kroger Company

Address:

1014 Vine Street

Cincinnati, Ohio 45202-1100

Check here if there are additional defendants. List them on a separate sheet of paper with their complete addresses.

4. The plaintiff has attached to this complaint a copy of the charges filed on 11-21-2011 with the Equal Opportunity Commission.

5. On the date of 6-25-2013, the plaintiff received a Notice of Right to Sue letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) race
- (b) color
- (c) sex
- (d) religion
- (e) national origin,

the defendant has:

- (a) failed to employ the plaintiff
- (b) terminated the plaintiff's employment
- (c) failed to promote the plaintiff
- (d) other: _____

7. When and how the defendant has discriminated against the plaintiff:

On October 13, 2011, after I opposed racial discrimination at the workplace and was terminated.

8. The plaintiff requests that the defendant be ordered:

- (a) to stop discriminating against the plaintiff
- (b) to employ the plaintiff
- (c) to re-employ the plaintiff
- (d) to promote the plaintiff

(e) to pay compensatory and punitive damages along with backpay and future wages and that;

(f) the Court grant other relief, including injunctions, damages, costs and attorney's fees.

Kenneth E. Doss
(Signature of Plaintiff)

Address: 9911 Paddock Park Dr.
Houston, Texas 77065

Telephone: 281-970-6342

Houston, TX 77065

1201 Louisiana, Suite 600
Houston, TX 77002On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

460-2012-00527

EEOC Representative

Jeremy Crosbie,
Investigator

Telephone No.

(713) 651-4919

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

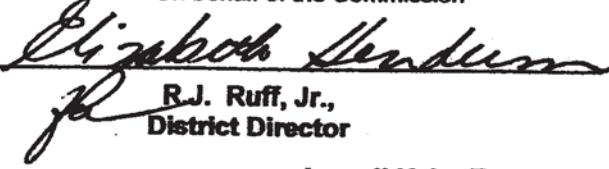
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Enclosures(s)



cc:

Keanya R. Harrold
Associate
COZEN - O'CONNOR
1 Houston Center
1221 McKinney, Suite 2900
Houston, TX 77010

R.J. Ruff, Jr.,
District Director

JUN 25 2013

(Date Mailed)

Lowell Keig, Executive Director
TWC – Civil Rights Division
101 East 15th Street, Room 144-T
Austin, TX 78778-0001